



## Proposals for a Petitions Committee for the House of Commons

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There have been some suggestions that the House of Commons should establish a petitions committee. The Procedure Committee in the House of Commons reported on petitions in 2007 and e-petitions in 2008. In their 2007 report they decided against the establishment of a petitions committee. However, in their 2008 report they suggested that, if the e-petitions system they recommended was established, that the Procedure Committee should initially be responsible for deciding which e-petitions should be debated in Westminster Hall.

The Select Committee on Reform of the House of Commons considered the need for a petitions committee in their November 2009 report *Rebuilding the House*. Although they were cautious about recommending a full-scale free-standing petitions committee at this time, they recommended that the Procedure Committee's terms of reference should be broadened, and its title changed to Procedure and Petitions Committee so as to enable it to exercise scrutiny of the petitions process, on an experimental basis from January 2010 until the end of the Parliament. They also made various other recommendations involving changes to the current way of handling petitions. On 22 February 2010, after a debate on the report of the Reform Committee, the House of Commons agreed a number of motions to implement recommendations from the Committee on petitions. No motion was put to the House on changing the title and role of the Procedure Committee in the petitions process.

This note outlines the current petitions process in the House of Commons. It then sets out the findings of the Procedure Committee's reports on petitions and the recommendations of the Committee on Reform of the House of Commons. Lastly it considers the operation of petitions committees in the Scottish Parliament and the House of Representatives in Australia.

For information about the operation of the current public petitions system, please see the House of Commons Library Information Office Factsheet P7, [Public Petitions](#). There are also rules on [Public Petitions to the House of Commons](#) available on the Parliamentary website.

There is a separate Library Standard Note on [Proposals for an e-petitions system for the House of Commons](#).

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**Contents**

- 1 Petitions in Parliament 3**
  - 1.1 Historical background 3
  - 1.2 The current petitions system 4
- 2 Proposals for a Petitions Committee at Westminster 9**
  - 2.1 Proposals from outside organisations 9
  - 2.2 Procedure Committee Inquiries 10
  - 2.3 Select Committee on Reform of the House of Commons 11
- 3 Petitions in the Scottish Parliament 12**
- 4 Petitions in the Australian House of Representatives 14**

# 1 Petitions in Parliament

## 1.1 Historical background

The House of Commons Information Office Factsheet on Public Petitions explains that:

A petition is a formal written request from one or more people to the Sovereign, the Government or to Parliament. The right of the subject to petition the Monarch for redress of personal grievances has probably been exercised since Saxon times. It was recognised in Magna Carta and more explicitly in an Act of 1406. The Bill of Rights of 1688 restated that right in unambiguous terms, "... it is the right of the subjects to petition the King, and all commitments and prosecutions for such petitioning are illegal".<sup>1</sup>

The right to petition, and the power of the House to deal with petitions were expressed in two resolutions of the Commons in 1669:

That it is the inherent right of every commoner in England to prepare and present petitions to the House of Commons in case of grievance, and the House of Commons to receive the same;

That it is an undoubted right and privilege of the Commons to judge and determine, touching the nature and matter of such petitions, how far they are fit and unfit to be received.<sup>2</sup>

In evidence to a Procedure Committee inquiry into the petitions system, the Clerk of the House explained that together, these two resolutions make it clear that "whilst the right to petition is recognised, the House remains the master of the nature and manner of presentations of any petitions".<sup>3</sup>

The procedures for petitioning the House of Commons changed in the nineteenth century, as explained in Erksine May:

Originally, the procedure of the House of Commons imposed little restriction on the raising of debate on the presentation of petitions, which served as a method of introducing subjects from outside the House and could be used for obstructing other kinds of business. In view of the great increase in the number of petitions, and the simultaneous growth in Government demands on time of the House a series of standing orders was adopted in 1842, which, as subsequently amended, made the presentation of petitions a formal proceeding incapable, except in rare cases, of giving rise to immediate debate.<sup>4</sup>

In 1832 a select committee was established to investigate the presentation of petitions. It recommended that a committee should examine petitions. From 1835, the Speaker regularly acted to prevent debate arising out of petitions, although this was not a formal provision of the standing orders. After a debate on 14 April 1842, the House agreed to a Government motion to introduce new standing orders relating to petitions which precluded any debate on the merits of a petition following its presentation. The task of dealing with petitions was delegated to a dedicated committee. The Select Committee on Public Petitions sorted out and classified petitions, and could report on whether they were in order under the rules of the

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<sup>1</sup> House of Commons Information Office, Factsheet P7, *Public Petitions*, Revised November 2007

<sup>2</sup> As quoted in the Memorandum from the Clerk of the House of Commons to the Procedure Committee, Procedure Committee, *Public Petitions and Early Day Motions*, 22 May 2007, HC 513 2006-07, Ev 15

<sup>3</sup> *Ibid.*

<sup>4</sup> Erskine May, 23<sup>rd</sup> Edition, p932

House, but had no power to look into the merits of any petition, nor could it recommend remedies. It was abolished on 4 April 1975 by which time the number of petitions being presented to the House had sharply dropped.

## 1.2 The current petitions system

Currently, petitions to the House of Commons must be in writing, there is no facility to petition electronically. The essential elements of a petition are that:

- it is addressed to the House;
- that it sets out the reason for the petition;
- that it contains a clear request to the House for a remedy which it is within its power to grant; and
- that it is clear where the effective part of the petition ends.

Only Members may formally present petitions to the House, but no Member can be compelled to do so. Although Members will, at their discretion, generally present petitions at the request of their constituents, the presentation of a petition by a Member does not imply that he or she supports the content.

The time for presentation of petitions is immediately before the half-hour adjournment debate at the end of each day's business. Before 1974, petitions were presented at the beginning of a sitting, after private business. However, this was changed to prevent the presentation of petitions causing delays to question time. Similarly the restriction to half an hour on Friday was introduced after the presentation of multiple petitions on 7 June 1985 had the effect of delaying the start of a debate on a controversial private Member's bill. Following the Government's response to the Procedure 2007 report, *Public Petitions and Early Day Motions*, the timing for the presentation of petitions on Friday's was changed to be the same as on Monday to Thursday, that is, immediately before the half hour adjournment debate. Members may also present petitions informally at any time while the House is sitting by placing them in the large green bag hooked onto the back of the Speaker's Chair.

The Procedure Committee's 2007 report also recommended that:

... the full text of petitions should be published in Hansard. In the case of petitions presented on the floor, the text should appear after the presenting Member's remarks. In the case of 'bagged' petitions, the text should appear at the end of the day's proceedings. Where a Member indicates that he or she wishes to be explicitly associated with a 'bagged' petition, his or her name should be printed with the text of the petition. Government responses to petitions should be published as written ministerial statements. They should include the text of the petition to which they are responding and, where appropriate, the name of the Member who presented the petition. The Member who presented the petition should be given notice of the response and sent a copy of it.<sup>5</sup>

The Committee also recommended that "the Government should be required to respond to all public petitions within two months of their presentation". It accepted that on some

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<sup>5</sup> Procedure Committee, *Public Petitions and Early Day Motions*, 22 May 2007, HC 513 2006-07, para 36

occasions, the response might be “limited to explaining that the Government has no responsibility for the matter raised in the petition”.<sup>6</sup>

The Government replied to the Procedure Committee in *The Governance of Britain – Petitions*. It accepted the broad thrust of the Committee’s recommendation on the publication of petitions and responses, although it suggested that responses should not be published as written ministerial statements. It also recommended that printing the petition both when it is presented and when it received a response should be kept under review.<sup>7</sup>

In response to the recommendation that the Government should respond within two months of a petition being presented, the Leader of the House did not comment on the proposed two month deadline but said that:

The Government has considered this recommendation carefully. At present, although there is no mandatory requirement on departments to submit a response, in the ten years 1994 to 2004 over 60% of petitions were responded to. The Government has concluded that, provided that Members continue to give careful attention to a proposed petition before sponsoring it and thereby engaging the House’s formal procedures, it would now be right to give an undertaking that substantive petitions should normally receive a response from the relevant government department. As the Committee recognises, it will often be appropriate, provided the reasons are explained, to give a relatively brief response indicating, for example, that the issue in hand is not a matter for central government (perhaps because it may be a local authority matter).<sup>8</sup>

The House debated the Procedure Committee’s report and the Government’s response on 25 October 2007, when it also considered the Modernisation Committee’s report *Revitalising the Chamber: the role of the back bench Member*. At the end of the debate, the House agreed changes to its Standing Orders to implement these changes.<sup>9</sup>

Under Standing Order No 156, all public petitions which are in order are published. They are listed in the Votes and Proceedings for the day of their presentation, and later published with Hansard. The number of signatures is no longer published. The Standing Order also requires the Clerk of the House to transmit all petitions to a Minister of the Crown. Ministers are not required to reply to petitions, but if they do so their reply is laid upon the Table by the Clerk of the House and ordered to be printed.

The House of Commons’ guide to presenting a public petition reflected these changes in the following way and confirmed that the Member who presented the petition receives a copy of the response directly from the relevant department:

27. Under Standing Order No. 156 a copy of the Petition, once printed, is sent to the appropriate Government department. Following a Resolution of the House on 25 October 2007, all substantive petitions should receive a response from the relevant Minister, in the form of an observation.\* Any observations made by a Minister in reply are printed in Hansard and a copy is sent to the Member who presented the Petition. Copies of Petitions and observations are also sent to the relevant select committee of the House, which should put the Petition onto its formal agenda.

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<sup>6</sup> *Ibid*, para 47

<sup>7</sup> Office of the leader of the House of commons, *The Governance of Britain – Petitions: The Government’s response to the Procedure Committee’s First Report, session 2006-07, on Public Petitions and Early Day Motions, July 2007*, Cm 7193, paras 9-10,

<sup>8</sup> *Ibid*, para 13

<sup>9</sup> HC Deb 25 October 2007 c504

\*On the 25th October 2007, the House of Commons endorsed, by resolution, the Government's response to the Procedure Committee's report on Public Petitions and Early Day Motions (Government Response to the First Report of the Procedure Committee, Session 2006-07, on Public Petitions and Early Day Motions: Cm 7193).<sup>10</sup>

The Select Committee on Reform of the House of Commons was established in July 2009 to consider various matters including how the public might initiate proceedings in the House of Commons. In its report, *Rebuilding the House*, published in November 2009, the Committee considered various aspects of the petitions system. It did not recommend the creation of a stand-alone petitions committee (see section 2.3 below) but made a number of other recommendations on the handling of petitions by the House of Commons:

- We recommend that the House commission an investigation of the practicalities of applying at a national level the procedures applied to local authorities for 'petitions requiring debate', drawing on local and international experience, including the appropriate thresholds to be applied. (Recommendation 43)
- We recommend a trial in 2009-10 in advance of e-petitions of debates on petitions, subject to the presentation of petitions of sufficient significance. (Recommendation 47)
- We recommend that the House authorities ensure that petitioners are informed of recent relevant House proceedings. (Recommendation 48)
- It would give petitions a slightly enhanced status if notice was required and when given if it appeared on the House's Order Paper at the appropriate place. We consider that it would be more dignified if, as is the case with Bills presented to the House by backbench Members, the front sheet of the petition was taken to the Table, and an appropriate announcement read by the Clerk. (Recommendation 49)

The *Local Democracy, Economic Development and Construction Act 2009* obliges local authorities to provide an e-petitions facility and to make a scheme for the handling of petitions. The scheme has to allow for a number of possible outcomes, including holding an inquiry or public meeting or commissioning research. Section 15 of the Act introduces a category of locally-signed petition, entitled a "petition requiring debate". It is envisaged that such a petition signed by 5 per cent of the local population would trigger a debate of the council on the petition.<sup>11</sup> The Select Committee on Reform of the House of Commons recommended that:

...the House commission an investigation of the practicalities of applying at a national level the procedures applied to local authorities for "petitions requiring debate", drawing on local and international experience, including the appropriate thresholds to be applied.<sup>12</sup>

An answer to a parliamentary question asked by the Chairman of the Reform Committee set out how the House was progressing on the various recommendations of the Committee, including on petitions processes:

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<sup>10</sup> House of Commons, *Public Petitions to the House of Commons*, [http://www.parliament.uk/parliamentary\\_publications\\_and\\_archives/publicpetitions.cfm](http://www.parliament.uk/parliamentary_publications_and_archives/publicpetitions.cfm)

<sup>11</sup> For more information see the Library Standard Note, SN/PC/4856, *Local Petitions and the Community Call for Action*

<sup>12</sup> Select Committee on Reform of the House of Commons, *Rebuilding the House*, 24 November 2009, HC 1117 2008-09, para 286

**Nick Harvey:** Upon publication of the report in November, the Clerk of the House set in hand work on the possible changes to procedures and practices which would be required were the House to endorse some or all of the recommendations and conclusions, including possible changes to Standing Orders and changes to procedures and practices.

Some recommendations and conclusions proposed specific work by the House. A progress report on these is set out as follows.

...

*Recommendation 43-Commissioning of investigation of practicalities of a national equivalent of "petitions requiring debate":*

The Parliament and Constitution Centre in the DIS is looking further into the agenda initiative issue, as part of its general research effort. The results of the research, which should be completed by the start of the new Parliament, will inform future debate and decision on the practicalities of any sort of agenda initiative at national level. The study will course make no assumptions about what view the House may take in future.

*Recommendation 44-Urgent discussions on a new costed scheme for e-petitions:*

The urgent discussions recommended by the Committee have taken place. A revised outline scheme is being prepared which is likely to be cheaper than the scheme proposed in April 2008. It will in due course be for the House in this or the next Parliament to decide whether or not to proceed.

*Recommendation 48-Information for petitioners of relevant House proceedings:*

House staff are preparing to pilot two alternative routes for giving suitable information to petitioners, via the Member who presented the relevant petition, with a view to identifying the best way forward early on in the new Parliament. This can then be put to the appropriate committee for decision....<sup>13</sup>

On 22 February 2010 the House of Commons held a general debate on the report of the Select Committee on Reform of the House of Commons, *Rebuilding the House*. At the end of the debate, a number of motions were put to the House. The motions agreed to are recorded in the Votes and Proceedings as follows:

#### 16 Petitions requiring debate

*Resolved*, That this House approves recommendation 43 of the First Report of the Select Committee on Reform of the House of Commons, Session 2008-09, HC 1117, and welcomes the work which is already taking place on the recommendation as set out in the written answer given by the hon. Member for North Devon, on behalf of the House of Commons Commission, on 8 February, Official Report, col. 651-652W.—  
(*Steve McCabe*.)

#### 17 Electronic petitions

*Resolved*, That this House approves recommendation 44 of the First Report of the Select Committee on Reform of the House of Commons, Session 2008-09, HC 1117, welcomes the preparation of a revised scheme as set out in the written answer given by the hon. Member for North Devon, on behalf of the House of Commons

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<sup>13</sup> HC Deb 8 February 2010 c652W

Commission, on 8 February, Official Report, col. 651-652W, and looks forward to considering the scheme in the next Parliament.—(Steve McCabe.)

#### 18 Debates on petitions

*Resolved*, That this House welcomes recommendation 47 of the First Report of the Select Committee on Reform of the House of Commons, Session 2008-09, HC 1117, and considers that there should be a trial of debates on public petitions in Westminster Hall in the next Session of Parliament, subject to the presentation of petitions of sufficient significance.—(Steve McCabe.)

#### 19 Information for petitioners

*Resolved*, That this House approves recommendation 48 of the First Report of the Select Committee on Reform of the House of Commons, Session 2008-09, HC 1117, and welcomes the work which is already taking place to develop pilot schemes for providing more information to petitioners via the hon. Member who presented the petition as set out in the written answer given by the hon. Member for North Devon, on behalf of the House of Commons Commission, on 8 February, Official Report, col. 651-652W.—(Steve McCabe.)

#### 20 Presentation of public petitions

*Resolved*, That this House approves recommendation 49 of the First Report of the Select Committee on Reform of the House of Commons, Session 2008-09, HC 1117.—(Steve McCabe.)

The following day, 23 February 2010, the Speaker announced that as a result of the decisions of the House, new arrangements for petitions would come into operation for petitions presented from 1 March 2010:

The names of Members wishing to present public petitions formally before the daily Adjournment debate at the end of the sitting will now appear on the Order Paper. Accordingly, Members will now need to give notice in person in the Journal Office on the third floor above the Chamber. The deadline for giving notice will be the rise of the House on the previous sitting day. When giving notice, Members will need to have with them the front page of the petition, certified by the Clerk of Public Petitions in the Journal Office.

Just before we come to the daily Adjournment debate at the end of the sitting, I shall call in turn the Members whose names are listed on the Order Paper to present their constituents' petitions. The Member will make a brief statement limited, as at present, to describing who the petition is from and what it is about, and, finally, reading out the prayer that sets out what the House is being asked to do. The Member will then bring the top page of the petition straight from the Member's place to the Clerk at the Table, who will read out the title and hand the top page back to the Member, who will then put the whole petition, with its supporting signatures, into the bag at the back of the Chair.

Members may continue to place valid petitions in the bag behind the Chair in the usual way informally at any time during a sitting of the House. All petitions, whether presented formally or not, are printed in *Hansard*, forwarded to the relevant Select Committees, and sent to the Government Department most closely concerned. Observations received from the Government are also printed in *Hansard*.



The right to petition Parliament is one of our oldest and most cherished parliamentary traditions. The changes that I have announced today will refresh and improve an important democratic mechanism.<sup>14</sup>

The guidelines on how to submit a petition are available on the Parliament website.<sup>15</sup>

## 2 Proposals for a Petitions Committee at Westminster

### 2.1 Proposals from outside organisations

The Hansard Society has argued for a petitions committee for the UK Parliament. In an article for *Parliamentary Affairs* in October 2009, Dr Ruth Fox wrote:

Petitions are an important part of the contemporary democratic process. The *Audit* [of Political Engagement] shows that the public are more likely to sign a petition than they are to engage in any other form of democratic activity. Petitions should therefore be made a much more significant feature of the work of Parliament in order to better engage the public and be more responsive to matters of topical public concern. At present, petitions are governed by strict rules about wording and there is little sense that petitions to Parliament result in any concrete action on the part of MPs. In contrast, the Scottish Parliament has a Public Petitions Committee which plays a pivotal role in connecting the public and legislature. It assesses the merits of each petition, if necessary, through the taking of evidence. It filters out petitions where action is already being taken or where the case is weak. But where there is a case to be answered it refers petitions for further consideration. A similar Petitions Committee could be established in the House of Commons to assess issues of public concern and, if appropriate, to make referrals for debate or committee inquiry. The introduction of a petitions system would have symbolic value in better linking Parliament and the public. But it cannot be a petitions system in any circumstance and at any price. To be truly effective such a system must become an integral and core part of the parliamentary process not a bolt-on accessory. Any petitions system, particularly involving e-petitions, needs to sit at the heart of a well defined procedural process which is transparent and clear to the public.<sup>16</sup>

The Power Inquiry, an independent inquiry established by the Rowntree charitable trusts and chaired by Baroness Kennedy of the Shaws, also favoured a petitions committee along the Scottish model in its 2006 report. They stated:

...the House of Commons should establish procedures similar to those in operation in the Scottish Parliament. However, it is also recommended that considerable resources are made available to publicise and ensure the accessibility of any new petitions procedure and to provide support to those who may wish to gather their own petition... It is also recommended that a House of Commons Petitions Committee has the power to *require* that petitions be considered by government departments, Parliament or other parliamentary committees. The Petitions Committee and Select Committees would be free to use their new powers [also recommended by the Power Inquiry] to initiate legislation and public inquiries if it is felt that the government has failed to take appropriate action in response to a petition of particular significance.

We feel that if the process of submission, consideration and response to public petitions becomes a serious and well-known part of the culture of Parliament, this will

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<sup>14</sup> HC Deb 23 February 2010 c163

<sup>15</sup> See [Petitioning](#) and [Public Petitions to the House of Commons](#)

<sup>16</sup> Ruth Fox, 'Engagement and Participation: What the Public Want and How Our Politicians Need to Respond', *Parliamentary Affairs*, Oct 2009

not only help reassert the power of MPs in the face of an over-mighty Executive but will do so in a way that gives citizens a reason to engage directly with one of the most important democratic institutions in Britain.<sup>17</sup>

## 2.2 Procedure Committee Inquiries

In its May 2007 report the Procedure Committee decided against recommending a petitions committee.<sup>18</sup> The Procedure Committee first considered the role of the Member in the petitions system and decided not to recommend direct petitioning, as exists in Scotland. The Committee suggested that petitions provided a valuable means of engaging with constituents, which could benefit both the constituent and the Member.

They then considered whether a petitions committee should be introduced. They argued that a petitions committee would need, at the very least, to be able to deliver as much in terms of outcomes as the Public Petitions Committee in the Scottish Parliament. This would have to include:

- proper consideration of each submitted petition and an explanation of the committee's decision on whether to take any further action in respect of it;
- a reasonable expectation that the committee would pursue a significant proportion of petitions (in the first Session of the Scottish Parliament, the Public Petitions Committee took further action on over 90% of petitions; in the second Session it was less than 75%);
- effective routes for further action (e.g. reference to another committee, debate in the Chamber); and
- feedback to the original petitioners.<sup>19</sup>

The Procedure Committee considered evidence which asked "the fact that when you scale up from a population of five million to a population of ten times that, are we going to see a major industry dealing with petitions and a large department and a select committee in permanent session to deal with it?"<sup>20</sup>

The Procedure Committee considered the impact on select committees of a system similar to that of the Scottish Parliament and found that:

..it is worth noting that, since our predecessor's recommendation that petitions should be sent to the relevant select committee, 'informal surveys have shown that Committees have rarely taken any specific action prompted by the receipt of a petition'. It is unlikely that they would welcome the establishment of a Petitions Committee with formal powers to refer particular petitions to them. It is equally unlikely that they would be willing or able to devote the time necessary to consider them properly themselves. Furthermore experience of the present practice of simply sending petitions to select committees shows that the burden is likely to fall disproportionately on a few specific departmental committees. In the 2005-06 Session, for example, more than two-thirds of all petitions were sent to just two committees.<sup>21</sup>

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<sup>17</sup> Power Inquiry, *Power to the People*, 2006, p149-150

<sup>18</sup> House of Commons Procedure Committee, *Public Petitions and Early Day Motions*, 22 May 2007, HC 513

<sup>19</sup> *Ibid*, para 24

<sup>20</sup> Oral evidence from David Heath MP, as quoted in Procedure Committee, *Public Petitions and Early Day Motions*, 22 May 2007, HC 513, para 25

<sup>21</sup> *Ibid*, para 26

The Committee continued:

We have already recommended that the requirement that petitions are presented by a Member should be retained. A Petitions Committee would not therefore have the function of determining the admissibility of petitions, since it would presumably consider only presented petitions. Without that function, greater emphasis would be placed on its responsibilities for the consideration of the substance and merits of petitions. For the reasons we have set out above, we do not believe that it would be able to discharge those responsibilities in a way which would meet public expectations. In fact we are not persuaded that it would be able to achieve any more for petitions than could be achieved by building on our existing procedures.<sup>22</sup>

In the Committee's April 2008 report on e-Petitions, it recommended that the House of Commons should establish an e-Petitions system which retained the need to petition through a Member of Parliament.<sup>23</sup> The Committee recommended that if there were to be such a system, time should be found for debate on some petitions. The Committee recommended that initially there should be three one and a half hour slots each year in Westminster Hall dedicated to debating petitions.<sup>24</sup> On each of these occasions one, two or three petitions or groups of petitions could be debated. The Procedure Committee would initially be responsible for deciding which e-petitions are debated, in a similar manner to the way the Liaison Committee chooses the select committee reports to be debated in Westminster Hall.<sup>25</sup> More information on e-petitions is available in the Library Standard Note, *Proposals for an e-petitions system for the House of Commons*.<sup>26</sup>

### 2.3 Select Committee on Reform of the House of Commons

As mentioned above, the Select Committee on Reform of the House of Commons was established in July 2009 and reported in November 2010. It made a number of recommendations about the handling of petitions, and also considered whether the House of Commons should establish a petitions committee.<sup>27</sup> The Committee argued that:

The House cannot be satisfied with its current procedures for petitions. Whether electronic or paper-based, they should be scrutinised by some organ of the House capable of deciding two things: does the matter merit investigation by the House in some way, and does it now or in due course merit debate. Experience suggests that if this is not the duty of a single identified committee then it will not be done at all.<sup>28</sup>

However, the Committee shied away from recommending a full-scale petitions committee due to concerns about the resources this would require. Instead, it looked to the role of the Procedure Committee:

263. The Committee could at its regular meetings look at the petitions received and decide if any merited special treatment or raised immediate issues requiring further inquiry or a special reference to a departmental select committee. We do not envisage that more than a handful in any session would require such treatment. The Committee would then await a Government response. If that was unduly delayed then the

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<sup>22</sup> *Ibid*, para 26

<sup>23</sup> Procedure Committee, *e-Petitions*, 6 April 2008, HC 136 2007-08. See also Library Standard Note, SN/PC/4725, *Proposals for an e-petitions system for the House of Commons*

<sup>24</sup> *Ibid*, para 113

<sup>25</sup> *Ibid*, para 114

<sup>26</sup> Library Standard Note, SN/PC/4725, *Proposals for an e-petitions system for the House of Commons*

<sup>27</sup> Select Committee on Reform of the House of Commons, *Rebuilding the House*, 24 November 2009, HC 1117 2008-09

<sup>28</sup> *Ibid*, para 261

Committee would have the errant department chased up. Having read the response, and any material supplied to the Member and/or petitioner by the House authorities, the Committee would decide if the issue merited debate. It would in sum operate in a scrutiny and not investigative mode. Such a task could in time be a potentially significant burden on Members and could involve at least modest additional staff cost: but in advance of an e-petitions system we do not believe it would be unduly onerous. The best thing is to try it and see. **We recommend that the Procedure Committee's terms of reference be broadened, and its title changed to Procedure and Petitions Committee, so as to enable it to exercise scrutiny of the petitions process, on an experimental basis from January 2010 until the end of the Parliament; and that it make a report of its experience before the end of the Parliament so that this can be available to a new Parliament.**<sup>29</sup>

No motions have been brought to the House to implement this recommendation from the Reform Committee, and the Procedure Committee has not made any changes to its petitions procedures as a result.

### 3 Petitions in the Scottish Parliament

The Scottish Parliament has a petitions system which incorporates a Public Petitions Committee (the PPC) and e-petitions. The role of the PPC is to ensure that appropriate action is taken in respect of each admissible petition. In fulfilling this function, it takes responsibility for the initial consideration of the issues raised.

The PPC meets once a fortnight and, according to the Scottish Parliament leaflet 'How to submit a public petition', it considers about eight new petitions at each meeting as well as a number of current petitions.<sup>30</sup> The PPC may invite a petitioner to give oral evidence, and petitioners may also provide written evidence. The PPC may also seek written evidence from organisations with an interest in the issues raised (for example, the Scottish Executive). After the consideration of any evidence, the PPC decides whether the issues raised merit further consideration. The PPC may also refer a petition to the relevant subject committee of the Parliament for further investigation. It can also bid for parliamentary time for a petition to be debated by the whole Parliament. The PPC may agree that no further action is required after the initial consideration. In all cases, the petitioner is notified of any action. Where a prospective petition might be found to be out of order, the staff of the committee will assist the petitioner to bring it within the rules.

Members of the public are able to submit petitions electronically, to sign them and to join online discussion forums.<sup>31</sup> Non-residents can also sign petitions. However, there is no requirement that petitioners collect signatures in support of the petitions they submit. In a report for the Scottish Parliament on the Petitions procedure, Dr Carman noted that:

...This was a deliberate decision taken when establishing the petition procedures in order to maintain equal access for all individuals in petitioning the Parliament as signature requirements may discourage, and generally serve as an impediment to individuals living in rural environs from submitting petitions. Further, requiring signatures would imply that one of the functions of the PPC would be to verify signatures – a practice which could become quite burdensome and costly. Instead, the

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<sup>29</sup> *Ibid*, para 263

<sup>30</sup> For more information see the Scottish Parliament leaflet, [How to submit a public petition](#)

<sup>31</sup> Scottish Parliament, *Public Petitions Committee: e-Petitions*, <http://epetitions.scottish.parliament.uk/default.asp> (last viewed 16 March 2010)

PPC was given the guidance that it should take a 'wide assessment of the strength and depth of support' a petition enjoys.

5. Despite there being no formal signature requirement for petition submission (beyond the petitioner's own), petitioners are encouraged to display public support for petitions where possible. For example, in providing guidance to petitioners in the preparation of petitions, the PPC's website states that petitions should contain the name, address and signature of any person supporting the petition. It is not unreasonable to assume that, all things being equal, petitioners see some value in collecting signatures prior to submitting petitions, hoping to signal to the PPC that the proposal has broad support. Certainly media reports tend to emphasise the number of signatures attached to petitions. Further, as one MSP indicated in an interview, the term 'petitions' may be an 'unfortunate name' as many constituents have asked him about the number of signatures that would be required to submit a petition.

Dr Carman's conclusions noted that the role of the PPC had changed over the first two sessions on the Scottish Parliament:

One of the starkest findings in this report is the shift between the percentage of petitions forwarded to other committees in the first session of the Parliament and the percentage of petitions closed after initial consideration in the second session of Parliament. In the first session, the PPC saw itself as the means by which members of the public may directly access the policy process within the Parliament and therefore forwarded a large percentage of petitions on to other committees for consideration. This, however, raised concerns that the Parliament and its committees could become so over-burdened with petitions that it could not effectively consider legislative matters and pursue its agenda. In the second session, the committee sought to limit the number of petitions referred on and increase its own consideration of petitions.

Dr Carman concluded that:

There is little doubt that the Public Petitions Committee (PPC) has significantly reinterpreted its mission and role in the Parliament's second session. The core of the issue seems to be that the PPC is attempting to find a balance between efficiency and effectiveness. The PPC needs to ensure that it can handle its workload and that it is not over-burdening the Parliament's other committees, forcing them to displace their working agendas. Considering petitions is a time-consuming enterprise involving numerous discussions between parliamentary staff and petitioners, significant research efforts, time and resources devoted to contacting and following up on enquiries to Ministers and other public bodies, legal enquiries, records management and interactions with other committees. In short, maintaining an open system whereby virtually anyone in the world may petition the Scottish Parliament on a matter within the Parliament's competence is a resource-intensive process and efficiency concerns are important to maintaining the integrity of the process. If the system becomes over-burdened, it cannot meet the needs and desires of petitioners.

At the same time, in order for the system to be effective it must provide a meaningful avenue for individuals to bring their policy concerns and proposals to the Parliament. To be 'meaningful', this system must hold the Parliament, the Executive and other public bodies in Scotland accountable for their actions and inactions. The PPC cannot simply be a talk-shop that is 'full of sound and fury, signifying nothing'. To be effective, the PPC must pursue the hard and easy, mundane and extraordinary issues raised by petitioners. Further, the petitions system cannot be seen as an aspect of the Scottish political system that only involves the PPC. The petitions system must be supported and respected by institutions within and outwith the Parliament.

Finding the proper balance between effectiveness and efficiency is not an easy task.<sup>32</sup>

In 2009 the PPC published a report at the end of a year long inquiry into the public petitions process. The inquiry noted that the committee was:

...mindful of the founding principles which underpin the existence of the public petitions process. For example, that one person, without the need for any support from a MSP (unlike the petitioning systems in many other legislatures), can bring a petition to their Parliament for investigation demonstrates our commitment to the founding principle of openness and accessibility and the sharing of power. Over the course of the last year, there have been several high profile public petitions brought before us. For example, access to cancer treatment drugs (PE1108); mandatory custodial sentencing for knife carrying (PE1171); school bus safety (PE1098 and PE1223); the rights of healthy gay/bisexual men to donate blood (PE1135). Without individuals bringing petitions on these matters forward, based on their experiences, would the issues have been considered by policymakers? Perhaps at some point yes, but petitioning provides a direct route into the Parliament for the citizens who want these issues considered.<sup>33</sup>

Dr Carman had also conducted some research into who used the petitions system. In its 2009 report the PPC explained that:

the research showed that the average petitioner is older, more middle-class, better educated and lives in a more affluent area than the average Scot. The proportion of petitioners who are white, heterosexual and able-bodied also exceeds Scottish averages.

The Committee recommended a number of ways of further publicising the work of the PPC including a new 'blog' page and 'wiki',<sup>34</sup> a video on petitioning, and raised the possibility of holding a 'young peoples petitions' meeting. The committee also decided to continue its practice of referring public petitions to other committees only when they considered there to be a clear benefit of doing so.<sup>35</sup>

#### **4 Petitions in the Australian House of Representatives**

The Australian House of Representatives established its Standing Committee on Petitions in February 2008 following a report from their Procedure Committee.<sup>36</sup>

The Standing Committee on Petitions is tasked to receive and process petitions on behalf of the House. The Committee will also recommend action to be taken on the petition. This may be to advise that the petition has been tabled in the House. In some cases the Committee may choose to seek further information on the subject of a petition through meetings with the principal petitioner and other relevant individuals and groups. The Committee may choose to forward the petition to the relevant Minister. If this is the case, there is an expectation that Ministers will respond to a petition within 90 days. Details of ministerial responses are printed in Hansard, and made available on the Petitions Committee website.<sup>37</sup>

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<sup>32</sup> Public Petitions Committee, *The Assessment of the Scottish Parliament's Public Petitions System 1999-2006*, 30 October 2006, SP Paper 654

<sup>33</sup> Public Petitions Committee, *Inquiry into the Public Petitions Process*, 3<sup>rd</sup> Report 2009, SP Paper 300, para 8

<sup>34</sup> The blog is now available at: <http://scottishparliamentpetitions.blogspot.com/>

<sup>35</sup> *Ibid*, para 9

<sup>36</sup> House of Representatives Standing Committee on Procedure, *Inquiry into the Petitioning Process*, September 2007

<sup>37</sup> More detailed information is available here: <http://www.aph.gov.au/House/work/petitions.htm>

Petitions may be sent directly to the Standing Committee on Petitions or via a Member. The Procedure Committee had decided to no longer require that only Members can lodge petitions because. They argued that this would streamline the process of petitioning; that it would prevent problems associated with local members who did not want to present particular petitions; and that it would also prevent problems with local people not wanting their member to present the petition.

At the moment, petitions cannot be presented electronically, although the Petitions Committee is currently conducting an inquiry into e-petitions.